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10 Attorneys for Defendants
11 ROBERT ELMBURG and ROCKY FLICK

12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 MICHAEL MONTGOMERY,
15 Plaintiff,

16 v.

17 WAL-MART STORES, INC.;
18 KINDERHOOK INDUSTRIES II, L.P.;
19 KINDERHOOK INDUSTRIES, L.L.C.;
20 KINDERHOOK CAPITAL FUND II, L.P.;
21 CRESTWOOD HOLDINGS, INC.;
22 BERGAN, L.L.C.; JOHN ELMBURG;
23 ROBERT ELMBURG; ERIC ELMBURG;
24 ROCKY FLICK; HOME DEPOT U.S.A.,
25 INC.; DOES 1 through 20 inclusive,

26 Defendants.

Case No.: 12CV3057 L (WVG)

PROOF OF SERVICE

Ctrm: 5B
Judge: Hon. M. James Lorenz

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 750 B Street, Suite 2900, San Diego, CA 92101. On February 26, 2013, I served the within documents:

► **DEFENDANT ROCKY FLICK'S NOTICE OF MOTION AND MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION (12(B)(2)), LACK OF STANDING (12(B)(1)), FAILURE TO STATE A CLAIM (12(B)(6)) AND MOTION TO STRIKE (12(F))**

► **DEFENDANT ROCKY FLICK'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION (12(B)(2)), LACK OF STANDING (12(B)(1)), FAILURE TO STATE A CLAIM (12(B)(6)), AND MOTION TO STRIKE (12(F))**

► **DECLARATION OF ROCKY FLICK IN SUPPORT MOTION TO DISMISS FOR LACK OF STANDING (12(B)(1)), LACK OF PERSONAL JURISDICTION (12(B)(2)), AND FAILURE TO STATE A CLAIM (12(B)(6))**

☐ **BY U.S. MAIL** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING** by causing such document(s) listed above to be served through this Court's electronic transmission facilities via the Notice of Electronic Filing (NEF) and hyperlink, to the parties and/or counsel who are determined this date to be registered CM/ECF Users set forth in the service list obtained from this Court on the Electronic Mail Notice List.

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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9 ☒ I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct.

11 Executed on February 26, 2013, at San Diego, California.

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Carlos D. Armijo